

JOE PARKER	§	
VS.	§	CIVIL ACTION NO. 9:14cv116
GARY CURRY, ET AL.	§	

Plaintiff Joe Parker, an inmate confined at the Estham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil action pursuant to 42 U.S. C. § 1983 against Gary Curry, S.D. Allen and Amanda Phillips. Plaintiff seeks leave to proceed *in forma pauperis* in this matter.¹

Title 28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints on an *in forma pauperis* basis, as well as complaints that fail to state a claim upon which relief may be granted. Section 1915(g) provides as follows:

Prior to the date on which he filed this lawsuit, at least three lawsuits filed by plaintiff were dismissed as frivolous or for failure to state a claim upon which relief may be granted.² As a result, Section 1915(g) is applicable.

² *Parker v. Taylor*, No. 6:96cv1012 (E.D. Tex. Mar. 21, 1997) (dismissed as frivolous); *Parker v. Unknown Party*, No. 4:00cv3240 (S.D. Tex. Oct. 25, 2000) (dismissed as frivolous); *Parker v. Darmofal*, No. 9:08cv167, No. 9:08cv169 (E.D. Tex. Oct. 14, 2008) (dismissed as frivolous and for failure to state a claim).

Plaintiff alleges he was improperly convicted of a prison disciplinary offense and has been retaliated against. The allegations set forth in plaintiff's complaint do not demonstrate that he is in "imminent danger of serious physical injury." Section 1915(g) therefore bars plaintiff from proceeding further with this lawsuit on an *in forma pauperis* basis. This lawsuit should therefore be dismissed.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered.

SIGNED this 27th day of October, 2014.



Zack Hawthorn
United States Magistrate Judge